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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,094	10/25/2001	Steve Horvath	18360-233640	3388

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EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,094

Applicant(s)

HORVATH ET AL.

Examiner

Olga Hernandez

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9-42 and 44-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41,42 and 44-53 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,39-40 is/are rejected.
- 7) ☒ Claim(s) 9-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3/9/04 have been fully considered but they are not persuasive. The applicant argues that the prior art does not teach allowing a user to modify at least one boundary of the predetermined monitoring zone. The examiner disagrees see paragraph [0045].

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuntman et al (2002/0075171).

As per claim 1, Kuntman discloses:

- a central processing unit (figure 1);
- a memory coupled to the processing unit (it is inherent for a processing unit to have any memory coupled to it); and
- a display screen coupled to the central processing unit, the central processing unit being configured for executing the steps of (figures 1 and 10);

- determining whether a target aircraft is within a predetermined monitoring zone (paragraph [0128]); and
- responsive, at least in part, to the target aircraft being within the predetermined monitoring zone, displaying a closure indicator on the display screen (paragraph [0136]).

Kuntman discloses allowing a user to modify at least one boundary of the predetermined monitoring zone (paragraph [0045]).

As per claims 2, 39 and 40, it is inherent to no display anything if it is out of the range.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuntman et al (2002/0075171) as applied to claim 1, further in view of Ammar et al (5,945,926).

As per claim 4, Kuntman does not teach the predetermined monitoring zone is adjacent a front of an own ship aircraft. However, it would have been obvious to one of ordinary skill in the art that the predetermined monitoring zone is adjacent a front of the aircraft in order to avoid a collision. Further, Ammar teaches it in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to supplement the traffic alert and collision avoidance system by providing warnings of potential runway or mid-air

collisions, even when the intruding aircraft is not equipped with an air traffic control radar beacon system transponder.

As per claim 5, Kuntman does not teach the monitoring zone is substantially con-shaped segment of airspace. However, Ammar teaches it in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to supplement the traffic alert and collision avoidance system by providing warnings of potential runway or mid-air collisions, even when the intruding aircraft is not equipped with an air traffic control radar beacon system transponder.

As per claim 6, Kuntman does not teach an apex of the cone-shaped segment of airspace is positioned adjacent a front end of the own ship aircraft, and wherein an axis of the cone-shaped segment of airspace is substantially collinear with a track of the own ship aircraft. However, Ammar teaches it in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to supplement the traffic alert and collision avoidance system by providing warnings of potential runway or mid-air collisions, even when the intruding aircraft is not equipped with an air traffic control radar beacon system transponder.

As per claim 7, Kuntman teaches the cone-shaped segment of airspace is about 40 degrees. However, Ammar teaches it in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to supplement the traffic alert and collision avoidance system by providing warnings of potential runway or mid-air collisions, even when the intruding aircraft is not equipped with an air traffic control radar beacon system transponder.

*Allowable Subject Matter*

Claims 41, 42, 44-53 are allowed.

Claims 9-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

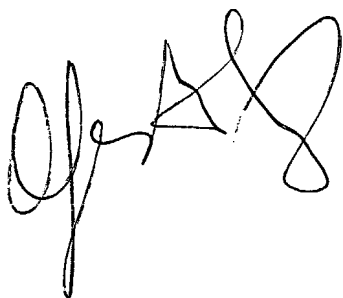
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Olga Hernandez  
Examiner  
Art Unit 3661



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